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January 24, 2025

**By ECF**

The Honorable LaShann DeArcy Hall  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *United States v. Hasbajrami*,  
11 Cr. 623 (JG)

Dear Judge DeArcy Hall:

I, along with Joshua L. Dratel, Esq., represent Defendant Agron Hasbajrami in the above referenced matter. We write to request access to an unredacted (yet still classified) portion of the Court's Memorandum and Order (Doc. No. 219), dated, December 2, 2024 (publicly filed and disclosed to counsel on January 21, 2025).

As Your Honor is aware, Mr. Dratel and I both possess sufficient security clearance to view the redacted passages. Although this Court ruled that we did not have a "need to know" the underlying classified information in order for this Court to render its decision, the present request differs in that what we seek now is tailored not to this Court's decision-making role but to our role representing Mr. Hasbajrami on appeal of this Court's December 2, 2024, decision.

Further, to clarify, the instant request is being tailored solely to pages 52-55 of this Court's Memorandum and Order, which is the section of this Court's decision that discusses the "good faith" exception to the Fourth Amendment warrant requirement; such is the only portion of this Court's decision that Mr. Hasbajrami would appeal. Disclosure of the language redacted from other sections of this Court's decision will only be sought if they become relevant to the appeal, which at present does not appear to be the case.

In considering this request, we note that we do not require the names of government agents, if that is what is redacted. However, we do "need to know" at a minimum the date that is redacted on page 54. This Court wrote, "More importantly, the relevant queries here occurred in [REDACTED], long before agents could have been expected to know that the querying required a warrant." Memorandum and Order at 54. In order to meaningfully challenge this Court's conclusion on appeal, we need to be informed of when "the relevant queries ... occurred" since

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that will directly impact our arguments as to whether or not the agents “could have been expected to know that the querying required a warrant.”

With respect to the other redacted passages found on pages 53-54, since the category of information redacted there is less apparent, we cannot articulate as specific an explanation as to their relevance on appeal. As such, at a minimum we request a “summary” of what else (beyond a date and, apparently, an agent’s name) is redacted on pages 53 and 54 so that we can then determine whether and/or how to articulate the basis of our “need to know” the specific language that has not been disclosed in those instances.

Accordingly, Defendant Agron Hasbajrami, by and through counsel, respectfully request that Mr. Dratel and I – Defendant’s security-cleared counsel – be granted access to an unredacted version of pages 52-55 of the Court’s Memorandum and Order and/or be provided with summaries as discussed above.

Respectfully Submitted,

*/s/ Michael K. Bachrach*

Michael K. Bachrach

Joshua L. Dratel

*Attorneys for Defendant Agron Hasbajrami*